

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1511 - SB 1783**

January 31, 2014

**SUMMARY OF BILL:** Creates a new Class C felony for evading arrest where the flight or attempt to elude results in death or injury to innocent bystanders or other third parties.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$111,400/Incarceration\***

Assumptions:

- Under current law, evading arrest is a Class E felony, unless the flight creates a risk of harm or injury to innocent bystanders or other third parties, in which case it is a Class D felony.
- The proposed legislation creates a new Class C felony for evading arrest where the flight results in death or injury to innocent bystanders or other third parties.
- According to the Department of Correction (DOC), there has been a ten-year average of 71 admissions each year for evading arrest that creates a risk of harm or injury, Class D felony.
- It is assumed that ten percent (7 admissions) of these admissions resulted in death or injury, and would be sentenced under the proposed legislation as a Class C felony rather than a Class D felony.
- The proposed legislation will result in 7 admissions each year being sentenced as Class C felonies rather than Class D felonies.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for one (7 x .1178) additional admission for a total of eight (7 + 1).
- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- The average time served for a Class C felony is 2.98 years. The average time served for a Class D felony is 2.06 years. The proposed legislation will result in each offender serving an additional 0.92 years (336.03 days).
- According to the DOC, 32.03 percent of offenders will re-offend within three years of their release. A recidivism discount of 32.03 percent has been applied to this estimate to account for the impact of offenders would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have

committed the subsequent offense at the same felony level as under current law (8 offenders x .3203 = 3 offenders).

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on five offenders [8 offenders – 3 (recidivism discount)] serving an additional 0.92 years (336.03 days) for a total of \$22,275.43 (\$66.29 x 336.03 days). The cost for five offenders is \$111,377 (\$22,275.43 x 5).
- The bill will not result in any increased convictions. Rather it is increasing the penalty for evading arrest offenses currently prosecuted and sentenced as Class D felonies.
- Any impact on the caseloads of the courts, district attorneys, and public defenders can be accommodated within existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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